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June 8, 2008

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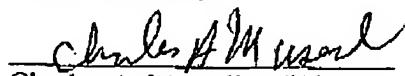
Sir:

I am enclosing herewith a copy of a paper received in the above application rejecting the brief filed because the brief did not give the "status of all claims (cancelled)". Enclosed is the page from the rejecting brief which clearly states what claims stand allowed and what claims are rejecting on appeal and "all other claims being cancelled". Therefore, it is clear what claims are cancelled.

I think it is a waste of my time and the Office's time to make such ridiculous objections. I had another brief rejected because I stated what claims were rejected rather than stating what claims were "on appeal". Obviously, if the claims are rejected and an appeal has been filed, the rejected claims are on appeal. I think common sense should be used by your personnel.

With best wishes,

Yours very truly,


 Charles A. Muserlian #19,683

CAM:mlp
 Enclosures

06/08/2008 09:45 2123028998



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/830,182	04/22/2004	Andrea F. Gulla	426.008A	7722
47888	7590	05/29/2008	EXAMINER	
HEDMAN & COSTIGAN P.C. 1185 AVENUE OF THE AMERICAS NEW YORK, NY 10036			ART UNIT	
			PAPER NUMBER	
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HEDMAN & COSTIGAN, PC				
DATE MAILED: 05/29/2008				

Please find below and/or attached an Office communication concerning this application or proceeding.

6/29/08

JUN 09 2008

Notification of Non-Compliant Appeal Brief (37 CFR 41.37)	Application No.	Applicant(s)
	10/830,182	GULLA ET AL.
	Examiner Lynn Hailey	Art Unit 1793

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 22 May 2008 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner and relied upon by appellant in the appeal, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. Other (including any explanation in support of the above items):

The brief does not contain a statement of the status of all claims (cancelled). The Declaration is unsigned, please resubmit a signed copy. An entire is not required just the defective section may be submitted.


BRIDGET C. MONROE
PATENT APPEAL CENTER SPECIALIST